THE HONOURABLE SRI JUSTICE V. ESWARAIAH

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WRIT PETITION Nos.26766, 26767, 26768 and 26769 of 2005

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Date:15-12-2005

Between

ABM Junior College (High School), Kavali, Nellore District, represented by its Correspondent.

…PETITIONER

AND

Government of A.P., rep. by Secretary, Education (COSE) Department, Hyderabad and others.

…RESPONDENTS

COMMON ORDER:

Since the question involved in all these writ petitions is same the writ petitions are disposed of by a common order.

The petitioner in all these writ petitions questions the order of the fourth respondent in RC No.4979/A/2005 (Aided), dated 19.11.2005 declaring the fifth respondent as surplus staff without following due procedure.

Heard the learned counsel for the petitioner and the learned Government Pleader.

Learned counsel for the petitioner submits that the petitioner college has got high school section and the fourth respondent by his proceedings dated 19.11.2005 declared the fifth respondent as surplus staff in the petitioner high school and she was re-deployed to the sixth respondent school. It is further submitted that as per the guidelines issued by the Government from time to time in G.O.Ms.No.1 (Education) dated 01.01.1994 and G.O.Ms.No.103, dated 05.08.2005, fifth respondent cannot be declared as surplus staff. Without giving any notice to the petitioner, the fourth respondent declared the fifth respondent as surplus staff. It is further submitted that in the similar circumstances, this Court passed orders in W.P.No.25132 of 2005 permitting the petitioner to prefer an appeal under Section 89 of the Andhra Pradesh Education Act, 1982 (for short 'the Act') before the second respondent expressing its grievance.

Having regard to the facts and circumstances of the case,
the writ petitions are disposed of following the Judgment of this Court in W.P.No.25132 of 2005 dated 24.11.2005, leaving it open to the petitioner to prefer an appeal under Section 89 of the Act before the second respondent, narrating its grievance, within a period of one week from today. Status quo obtaining as on today shall be maintained, for a period of three weeks. The second respondent shall examine the matter and in case, the appeal is not disposed of within a period of two weeks from the date of presentation of the same,
he shall pass appropriate orders to protect the interest of the petitioner till the disposal of the appeal. There shall be no order as to costs.

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V. ESWARAIAH, J

December 15, 2005

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